

FILED 19 SEP 11 12:55 PM

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

Donald Long

(Enter full name of plaintiff(s))

Plaintiff(s),

v.

Gordon Gill
Douglas Osborne
Lane County Sheriff's Office

(Enter full name of ALL defendant(s))

Rogers Towing
Defendant(s).

Civil Case No. 11-6284-140
(to be assigned by Clerk of the Court)

COMPLAINT

Jury Trial Demanded

☒ Yes ☐ No

I. PARTIES

List your name, address, and telephone number below, and the same information for each defendant. Make sure that the defendant(s) listed below are identical to those contained in the caption of the complaint. Attach additional sheets of paper if necessary.

Plaintiff

Name: Donald Long
Street Address: c/o General Delivery
City, State & Zip Code: Eugene, OR 97401
Telephone No. No Telephone

Defendant No. 1

Name: Gordon Gill

Street Address: Lane County Sherriff's office, 125 E 8th Ave.

City, State & Zip Code: Eugene, OR 97401

Telephone No. 541 682-4150

Defendant No. 2

Name: Douglas Osborne

Street Address: Lane County Sherriff's office, 125 E 8th Ave.

City, State & Zip Code: Eugene, OR 97401

Telephone No. 541 682-4150

Defendant No. 3

Name: Lane County Sherriff's office

Street Address: 125 E 8th Ave

City, State & Zip Code: Eugene, OR 97401

Telephone No. 541 682-4150

Defendant No. 4

Name: Roger's Towing

Street Address: 25808 Hwy 126 Veneta

City, State & Zip Code: Veneta OR 97401

Telephone No. 541-935-1031

II. JURISDICTION

Federal courts are courts of limited jurisdiction. Only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. A case involving the United States Constitution or federal laws or treaties is a federal question case. A case in which a citizen of one state sues a citizen of another state and the amount in damages claimed is more than \$75,000 is a diversity of citizenship case.

A. What is the basis for federal court jurisdiction (check all that apply)

☒ Federal Question

☒ Diversity of Citizenship

- B. If the basis for jurisdiction is Federal Question, what federal Constitutional, statutory, or treaty right is at issue?

4th Amendment, 5th Amendment, U.S. Constitution, made applicable to states by and through 14th Amend. U.S. Const., 14th Amend., U.S. Const., 42 USC 1983, 42 USC 1985, 18 USC 241. seizure of property without due process.

- C. If the basis for jurisdiction is Diversity of Citizenship, what is the state of citizenship of each party?

Plaintiff(s) state of citizenship California

Defendant(s) state(s) of citizenship Oregon

III. STATEMENT OF CLAIMS

Claim I

State here as briefly as possible the facts of your case. Describe how each defendant was involved, when the conduct occurred, and any injuries you have suffered as a result. It is not necessary to give any legal arguments or cite any cases or statutes.

see claim I enclosed and incorporated herein by this reference.

Claim II

State here as briefly as possible the facts of your case. Describe how each defendant was involved, when the conduct occurred, and any injuries you have suffered as a result. It is not necessary to give any legal arguments or cite any cases or statutes.

See claim II enclosed and incorporated herein by this reference.

Claim III

State here as briefly as possible the facts of your case. Describe how each defendant was involved, when the conduct occurred, and any injuries you have suffered as a result. It is not necessary to give any legal arguments or cite any cases or statutes.

[The area for Claim III is crossed out with a large X.]

(If you have additional claims, describe them on another piece of paper, using the same outline.)

Claim I

On or around September 20, 2009 Gordon Gill, Lane County Sherriff Deputy, approached my pickup which was then parked on a private lot, Jackson's Shell Station, at the corner of Greenhill Road and W. 11th Avenue, in Eugene. Mr. Gill ordered my pickup towed from private property against my wishes and over my objections. Thereby, Mr. Gill seized my property and deprived me of my property and my property rights, and civil rights without due process.

Claim II

In or around October of 2009, I personally appeared for a scheduled hearing at the Lane County Sheriff's office to contest the validity of the seizure of my property (towing of my pickup from a private lot described above in Claim No. I).

Doug Osborne, a Sergeant, Lane County Sherriff Deputy, conducted the hearing. Gordon Gill, the Lane County Sherriff's Deputy who ordered my property seized did NOT appear.

Mr. Osborne stated that Mr. Gill was then appearing "through his report". I asked if Mr. Gill's report was in the form of an affidavit as required by Oregon statute. Mr. Osborne stated that the report was in the form of an affidavit. However, Mr. Osborne then refused to let me see the report or to read or disclose the contents of the report at the hearing.

The hearing was supposed to be my opportunity to refute whatever testimony or evidence was being used against me.

I objected, I could not defend against a secret or non-disclosed report. However, Mr. Osborne upheld the seizure and tow anyway.

I had previously demanded a copy of the report in discovery and tendered the fee for the report to the Lane County Sherriff's Office.

Only in December, after my Fourth Demand for Discovery, did I receive a copy of the report. The report was NOT in the form of an affidavit as Mr. Osborne stated in the hearing.

Thus, my property was seized and my rights to due process, to a fair and meaningful hearing, to confront the witness, the testimony and evidence used against me, were denied. I was, at the time, denied even the right to know what the alleged evidence (the contents of the report) was used.

Further, the above rights were denied to me using fraud and deceit.

IV. RELIEF

State briefly exactly what you want the court to do for you and the amount, if any, of monetary compensation you are seeking. Make no legal arguments. Cite no cases or statutes.

Damages - Towing/Impound \$ 308⁰⁰
 - Administrative Fee \$ ~~110⁰⁰~~
 violation of civil rights
 violation of property rights
 loss of use of property \$ 100,000⁰⁰
 Total \$100 418⁰⁰

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 19th day of September, 2011.



(Signature of Plaintiff(s))